



Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

cc: George Purefoy, City Manager
Ron Patterson, Assistant City Manager
Donnie Mayfield, City of Frisco

From: John Eaglen, Strategic Services Manager

Date: February 17, 2009

Subject: Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Two to AIA Document (A121/CMc-a) Standard Form Agreement by and between the City of Frisco and Lee Lewis Construction, Inc. to perform Construction Manager At-Risk Services for the construction of the Frisco Recreation and Aquatics Center

Action Requested: City Council consideration and approval of a Resolution authorizing the City Manager to execute Amendment Number Two to AIA Document (A121/CMc-a) Standard Form Agreement by and between the City of Frisco and Lee Lewis Construction, Inc. ("Lee Lewis") of Dallas, Texas, in the amount of \$959,002.12, for Construction Manager At-Risk Services for the construction of the Frisco Recreation and Aquatics Center.

Background Information: City Council approved Resolution Number 02-11-183R at their November 19, 2002 Meeting, authorizing the City Manager to enter into contract negotiations with Lee Lewis for the Construction Manager At-Risk Services for the construction of the Frisco Recreation and Aquatics Center.

City Council approved Resolution Number 05-12-239R at their December 20, 2005 Meeting, authorizing the City Manager to execute Amendment Number One, establishing a Guaranteed Maximum Price ("GMP") for construction of the facility, totaling \$20,472,368.00.

In processing the Purchase Order for the GMP, staff was not able to locate the executed original Agreement between the City and Lee Lewis. In researching the history of the Agreement, it appeared that the Agreement was never executed. As the Amendment Number One had been approved and executed for the construction

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of the Project, the City Attorney's Office recommended that the City Council ratify the original agreement. City Council approved Resolution Number 06-04-68R, ratifying the Agreement, at their April 4, 2006 meeting.

Amendment Number Two revises the original GMP in the following areas:

- Extends the Project Scope to include additional items not included in the original GMP, totaling \$471,162.00. The additional items included are the Kitchen (\$127,743.61), the addition of lighting to the Outdoor Aquatics Area (\$200,006.00), the Lifeguard Office (\$176,689.39), the transfer of the Kiosk Allowance to Contingency (reduction of \$36,300.00), and the addition of track lighting in the Kitchen Food Prep Area (\$3,023.00).
- Reconciles Change Order Items to the amounts included in the original GMP, totaling \$1,472,821.35.
- Completes reductions to the Contingency Line Items carried by both the City and Lee Lewis in the original GMP, resulting in a reduction totaling \$530,000.00.
- Reconciles Uncommitted Allowances carried in the original GMP, resulting in a reduction of \$513,876.48.
- Includes the Ultraviolet purification system to enhance our water treatment for the pools at a cost of \$127,524.
- Includes the Construction Manager's Fee for the additional items not included in the original GMP, totaling \$58,895.25.

Execution of the Amendment Number Two increases the GMP by \$959,002.12, to a final amount of \$21,431,370.12. Upon execution of the Amendment Number Two, staff will process the final payment to Lee Lewis and close out the Agreement.

Alternatives: City Council could consider the following alternatives:

- Approval of a Resolution authorizing the City Manager to execute Amendment Number Two to the Agreement;
- Input towards the discussion as desired;
- Deny approval of the Resolution and send back to staff with direction.

Financial Considerations: Execution of Amendment Two increases the GMP by \$959,002.12, to a total amount of \$21,431,370.12. Funding for this project is provided through various sources. The initial funding was provided from GO bonds issued in 2003 and 2004. This change order is covered through interest earnings over the life of the project of \$2,403,391.

Legal Review: The City Attorney's Office has reviewed and approved the Amendment Number Two as to form and legality.

Supporting Documents: Supporting documents include the following items:

- Copy of Project Location Map;
- Copy of Resolution;
- Copy of Amendment Number Two by and between the City and Lee Lewis.

Staff Recommendation: Staff recommends placement of this item on the February 17, 2009 City Council meeting agenda to consider and approve a Resolution authorizing the City Manager to execute Amendment Number Two to AIA Document (A121/CMc-a) Standard Form Agreement by and between the City of Frisco and Lee Lewis Construction, Inc. of Dallas, Texas, in the amount of \$959,002.12, for Construction Manager At-Risk Services for the construction of the Frisco Recreation and Aquatics Center. Staff will be present at the meeting to address the City Council's questions relating to this agenda item.